

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

MARTHA ADAMS spouse and personal
representative for the ESTATE OF
CHARLES ADAMS, deceased, et al.,

Plaintiffs,

vs.

CIVIL ACTION NO.
2:07-cv-01064-WKW-TFM

ASBESTOS DEFENDANTS, et al.,

Defendants.

_____ /

MOTION TO STAY DISCOVERY

Defendant Foseco, Inc., having removed this asbestos case and requested its transfer to the Multi-District Litigation proceeding in the Eastern District of Pennsylvania, *In Re Asbestos Products Liability Litigation (No. VI)*, Docket No. 875, which governs all pre-trial proceedings in federal asbestos cases, hereby requests that this Court stay all pre-trial deadlines until such time, if any, that it is determined that this Court will exercise pre-trial jurisdiction over this case. In support of this Motion to Stay, Defendant Foseco, Inc. states as follows:

1.1

This is an asbestos case. There is a Multi-District Litigation proceeding: *In Re Asbestos Products Liability Litigation (No. VI)* Docket No. 875, for the consolidated management of pre-trial proceedings in asbestos cases filed in federal court. Foseco, Inc. filed a Notice of Tag-Along Action on January 28, 2008 to transfer this case to the Multi-District Litigation.

2.2

If this case is transferred to the Multi-District Litigation, pre-trial proceedings would be governed there. Alternatively, Plaintiff may seek remand to state court.

3.3

Until determined, if ever, that this Court will actually handle pre-trial proceedings in this case, all pre-trial deadlines in this Court should be stayed.

A proposed Order is attached.

WHEREFORE Defendant Foseco, Inc. respectfully requests that this Motion be granted.

DATED this 28th day of January, 2008.

HAWKINS & PARNELL, LLP

/s/ Elizabeth B. Padgett
Evelyn M. Fletcher (FLE 019)
AL Bar No. ASB-1485-C19E
Elizabeth B. Padgett (PAD 015)
Alabama Bar No. ASB-8936-C60P

Counsel for Foseco, Inc.

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ORDER

The Court having considered Foseco, Inc.'s Motion for Stay and finding good
cause to grant same;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all pretrial
deadlines are stayed until further notice.

The Clerk shall send an attested copy of this Order to all counsel of record.

SO ORDERED this _____ day of _____, 2008.

JUDGE

Prepared by:

Elizabeth B. Padgett (PAD 015)
Alabama Bar No. ASB-8936-C60P

Hawkins & Parnell, LLP
4000 SunTrust Plaza
303 Peachtree Street, N.E.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served the foregoing Motion to Stay Discovery with the CM/ECF system. I also certify that a copy of the foregoing has been furnished to Plaintiffs' counsel, G. Patterson Keahey, Jr., Esq., at the following address by U. S. Mail, with proper postage affixed:

G. Patterson Keahey, Jr., Esq.
G. PATTERSON KEAHEY, P.C.
Suite 612
One Independence Plaza
Birmingham, AL 35209.

This 28th day of January, 2008.

HAWKINS & PARNELL, LLP

/s/ Elizabeth B. Padgett
Evelyn M. Fletcher (FLE 019)
AL Bar No. ASB-1485-C19E
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